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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/622,593

10/23/2000

Bo Olsson

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03/31/2003

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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/622,593

Applicant(s)

OLSSON ET AL.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 8 and claims 2-3 line 2 recites "the stored information". It is unclear as to whether the stored information refers to the text message or speech message which makes the claim indefinite and confusing. Appropriate correction is required.

Claim 5 lines 2-3 recites "the message". It is unclear if the message refers to the speech, text, or stored message. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-9 rejected under 35 U.S.C. 102(e) as being anticipated by**

Blanchard et al., Patent #6,408,191.

Regarding claim 1, Blanchard teaches a procedure to transmit information in connection with telephone answering service which is provided by a mobile answer device in a mobile telephone system comprising:
that a calling subscriber is connected to the mobile answer device when a called subscriber can not be accessed (col.4 lines 9-22);

that, when the called subscriber establishes a wireless connection to the mobile answer device to listen to recorded speech messages, a text message is transmitted in parallel to the called subscriber, which message contains the stored information [*col.4 line 44-col.5 line 12, and col.8 line 60-col.9 line 20; the recorded speech message is converted into a text message which is transmitted in parallel to the called subscriber; or can also read on col.4 lines 30-43 and col.8 line 60-col.9 line 20, multiple messages accessed by the called subscriber (e.g. the caller leaves a spoken message then calls back to leave a text message that is sent in parallel to the called subscriber)*].

Regarding claims 2 and 3, Blanchard teaches the procedure as claimed in claim 1, characterized in that the stored information includes the calling subscriber's number, which is transferred automatically to the mobile answer device (*col.4 lines 37-49; the caller can enter in his/her number or state it to the attendant for transmitting*).

Regarding claim 3, Blanchard teaches the procedure as claimed in claim 1, characterized in that the stored information includes one at the calling subscriber in advance stored message which is transferred automatically to the mobile answer device (*col.4 lines 37-49; messages by the caller are stored in advance before transmitting*).

Regarding claim 4, Blanchard teaches the procedure as claimed in patent claim

1, characterized in that the stored information contains an optional number, which is transferred by the calling subscriber to the mobile answer device (*col.4 lines 37-49; any and all numbers can be optional*).

Regarding claim 5, Blanchard teaches the procedure as claimed in claim 1 characterized in that the message is connected to an application at the called subscriber's (*col.6 lines 1-39 and col.8 lines 34-67*).

Regarding claim 6, Blanchard teaches the procedure as claimed in claim 5, characterized in that the application connects a number with a telephone list(*col.6 lines 1-39*)

Regarding claim 7, Blanchard teaches the procedure as claimed in claim 1, wherein the text message is transmitted by means of a short text message service (*col.4 lines 44-50*)

Regarding claim 8, Blanchard teaches the procedure as claimed in claim 7, wherein the short text message is an SMS (Short Message Service) or USSD (Unstructured Supplementary Services Data) (*col.4 lines 44-67*).

Regarding claim 9, Blanchard teaches a method of transmitting information between a calling subscriber and a called subscriber in a mobile telephone system, comprising:

Connecting a calling subscriber to a mobile answer device when a called subscriber cannot be reached (*col.4 lines 9-22*); and

transmitting a text message when the called subscriber establishes a wireless connection to the mobile answer device to listen to recorded speech messages [*col.4*

line 44-col.5 line 12, and col.8 line 60-col.9 line 20; the recorded speech message is converted into a text message which is transmitted in parallel to the called subscriber; or can also read on col.4 lines 30-43 and col.8 line 60-col.9 line 20, multiple messages accessed by the called subscriber (e.g. the caller leaves a spoken message then calls back to leave a text message that is sent in parallel to the called subscriber)].

Regarding claim 10, Blanchard teaches the method as in claim 9, further comprising transmitting the text message as a SMS (short message service) or as a USSD (unrestricted supplementary services data) (col.4 lines 44-67).

4. Claims 1-9 rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al., Patent #6,507,735.

Regarding claim 1, Baker teaches a procedure to transmit information in connection with telephone answering service which is provided by a mobile answer device in a mobile telephone system comprising:
that a calling subscriber is connected to the mobile answer device when a called subscriber can not be accessed (col.2 line 62-col.3 line 6);

that, when the called subscriber establishes a wireless connection to the mobile answer device to listen to recorded speech messages, a text message is transmitted in parallel to the called subscriber, which message contains the stored information (col.3 line 38-col.4 line 11; the speech message[subscriber's name or number] is recorded then a text message is transmitted in parallel to the called subscriber or can also read

on the recorded speech message[captured message] is converted into text and the text message of that captured message is transmitted in parallel to the called subscriber).

Regarding claims 2 and 3, Blanchard teaches the procedure as claimed in claim 1, characterized in that the stored information includes the calling subscriber's number, which is transferred automatically to the mobile answer device (*col.3 line 38-col.4 line 11*).

Regarding claim 3, Blanchard teaches the procedure as claimed in claim 1, characterized in that the stored information includes one at the calling subscriber in advance stored message which is transferred automatically to the mobile answer device (*col.3 line 38-col.4 line 11; messages by the caller are stored in advance before transmitting*).

Regarding claim 4, Blanchard teaches the procedure as claimed in patent claim 1, characterized in that the stored information contains an optional number, which is transferred by the calling subscriber to the mobile answer device (*col.3 line 38-col.4 line 11*); *any and all numbers can be optional*).

Regarding claim 5, Blanchard teaches the procedure as claimed in claim 1 characterized in that the message is connected to an application at the called subscriber's (*col.3 line 38-col.4 line 11; the application of the called subscriber accessing stored message*).

Regarding claim 6, Blanchard teaches the procedure as claimed in claim 5, characterized in that the application connects a number with a telephone list(*col.3 lines 37-60*)

Regarding claim 7, Blanchard teaches the procedure as claimed in claim 1, wherein the text message is transmitted by means of a short text message service (*col.3 line 38-col.4 line 11*).

Regarding claim 8, Blanchard teaches the procedure as claimed in claim 7, wherein the short text message is an SMS (Short Message Service) or USSD (Unstructured Supplementary Services Data) (*col.3 line 38-col.4 line 11*).

Regarding claim 9, Blanchard teaches a method of transmitting information between a calling subscriber and a called subscriber in a mobile telephone system, comprising:

Connecting a calling subscriber to a mobile answer device when a called subscriber cannot be reached (*col.2 line 62-col.3 line 6*); and

transmitting a text message when the called subscriber establishes a wireless connection to the mobile answer device to listen to recorded speech messages (*col.3 line 38-col.4 line 11; the speech message[subscriber's name or number] is recorded then a text message is transmitted in parallel to the called subscriber or can also read on the recorded speech message[captured message] is converted into text and the text message of that captured message is transmitted in parallel to the called subscriber*).

Regarding claim 10, Blanchard teaches the method as in claim 9, further comprising transmitting the text message as a SMS (short message service) or as a USSD (unrestricted supplementary services data) (*col.3 line 38-col.4 line 11*).

Response to Arguments

5. Applicant's arguments with respect to claim 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 8:30-6:30, in every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

JTP
March 23, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

